

ORIGINAL

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

2023 MAY 15 PM 4:26

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UNITED STATES OF AMERICA

v.

NATHAN DONALD PELHAM

NO.

3 - 23 CR 0193 - K

**FACTUAL RESUME**

In support of **Nathan Donald Pelham's** plea of guilty to the offense in Count One of the Information, **Pelham**, the defendant, Mac Morris, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

**ELEMENTS OF THE OFFENSE**

To prove the offense alleged in Count One of the Information, charging a violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8), that is, illegal possession of a firearm by a prohibited person, the government must prove each of the following elements beyond a reasonable doubt:<sup>1</sup>

- First.* That the defendant knowingly possessed a firearm, as charged in the Information;
- Second.* That before the defendant possessed the firearm, the defendant had been convicted of a crime punishable by imprisonment for a term in excess of one year;
- Third.* That the defendant knew that he had been convicted in court of a crime punishable by imprisonment for a term in excess of one year; and

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<sup>1</sup> Fifth Circuit Pattern Jury Instruction 2.43D (5th Cir. 2019)

*Fourth.* That firearm possessed travelled in interstate commerce, that is, before the defendant possessed the firearm, it had traveled at some time from one state to another

**STIPULATED FACTS**


1. On or about April 12, 2023, in the Dallas Division of the Northern District of Texas, the defendant, **Nathan Donald Pelham**, knowingly and unlawfully possessed a firearm, namely, a Smith & Wesson, model SD9 VE, 9mm pistol, bearing serial number FXZ2704, and two chrome Smith & Wesson 9mm magazines, a partial box of 9mm Federal American Eagle 124 grain ammunition, a box of Winchester Silvertip 9mm 147 grain "Defense JHP" ammunition, a partial box of 9mm Winchester, NATO 124 Grain FMJ ammunition, a box of CCI Blazer 9mm 115 Grain FMJ ammunition, and some loose 9mm ammunition. Prior to possessing this firearm, firearm accessories, and ammunition, **Pelham** had been convicted of a crime punishable by imprisonment for a term in excess of one year, and knew he had been convicted of such an offense. **Pelham** possessed this firearm in and affecting interstate commerce, in that the firearm had traveled at some time from one state to another.

2. On April 12, 2023, **Pelham** knew that he had previously been convicted of Evading Arrest/Detention with Vehicle, a state jail felony, in Collin County, Texas.

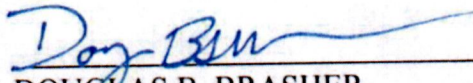
3. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the Information.




AGREED TO AND STIPULATED on this 15<sup>th</sup> day of May, 2023.

  
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NATHAN DONALD PELHAM  
Defendant

LEIGHA SIMONTON  
UNITED STATES ATTORNEY

  
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